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**SUBSTITUTE SENATE BILL 5793**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Senate Labor, Commerce & Consumer Protection (originally sponsored by Senators Schoesler, Hewitt, Honeyford, and Morton)

READ FIRST TIME 02/25/09.

1 AN ACT Relating to a single-occupancy farm conveyance; and amending  
2 RCW 70.87.010 and 70.87.200.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.87.010 and 2003 c 143 s 9 are each amended to read  
5 as follows:

6 ~~((For the purposes of this chapter, except where a different~~  
7 ~~interpretation is required by the context:)) The definitions in this  
8 section apply throughout this chapter unless the context clearly  
9 requires otherwise.~~

10 (1) "Owner" means any person having title to or control of a  
11 conveyance, as guardian, trustee, lessee, or otherwise((+)).

12 (2) "Conveyance" means an elevator, escalator, dumbwaiter, belt  
13 manlift, automobile parking elevator, moving walk, and other elevating  
14 devices, as defined in this section((+)).

15 (3) "Existing installations" means an installation defined as an  
16 "installation, existing" in this chapter or in rules adopted under this  
17 chapter((+)).

18 (4) "Elevator" means a hoisting or lowering machine equipped with

- 1 a car or platform that moves in guides and serves two or more floors or  
2 landings of a building or structure;
- 3 (a) "Passenger elevator" means an elevator (i) on which passengers  
4 are permitted to ride and (ii) that may be used to carry freight or  
5 materials when the load carried does not exceed the capacity of the  
6 elevator;
- 7 (b) "Freight elevator" means an elevator (i) used primarily for  
8 carrying freight and (ii) on which only the operator, the persons  
9 necessary for loading and unloading, and other employees approved by  
10 the department are permitted to ride;
- 11 (c) "Sidewalk elevator" means a freight elevator that: (i)  
12 Operates between a sidewalk or other area outside the building and  
13 floor levels inside the building below the outside area, (ii) does not  
14 have a landing opening into the building at its upper limit of travel,  
15 and (iii) is not used to carry automobiles;
- 16 (d) "Hand elevator" means an elevator utilizing manual energy to  
17 move the car;
- 18 (e) "Inclined elevator" means an elevator that travels at an angle  
19 of inclination of seventy degrees or less from the horizontal;
- 20 (f) "Multideck elevator" means an elevator having two or more  
21 compartments located one immediately above the other;
- 22 (g) "Observation elevator" means an elevator designed to permit  
23 exterior viewing by passengers while the car is traveling;
- 24 (h) "Power elevator" means an elevator utilizing energy other than  
25 gravitational or manual to move the car;
- 26 (i) "Electric elevator" means an elevator where the energy is  
27 applied by means of an electric driving machine;
- 28 (j) "Hydraulic elevator" means an elevator where the energy is  
29 applied by means of a liquid under pressure in a cylinder equipped with  
30 a plunger or piston;
- 31 (k) "Direct-plunger hydraulic elevator" means a hydraulic elevator  
32 having a plunger or cylinder directly attached to the car frame or  
33 platform;
- 34 (l) "Electro-hydraulic elevator" means a direct-plunger elevator  
35 where liquid is pumped under pressure directly into the cylinder by a  
36 pump driven by an electric motor;
- 37 (m) "Maintained-pressure hydraulic elevator" means a direct-plunger

1 elevator where liquid under pressure is available at all times for  
2 transfer into the cylinder;

3 (n) "Roped hydraulic elevator" means a hydraulic elevator having  
4 its plunger or piston connected to the car with wire ropes or  
5 indirectly coupled to the car by means of wire ropes and sheaves;

6 (o) "Rack and pinion elevator" means a power elevator, with or  
7 without a counterweight, that is supported, raised, and lowered by a  
8 motor or motors that drive a pinion or pinions on a stationary rack  
9 mounted in the hoistway;

10 (p) "Screw column elevator" means a power elevator having an  
11 uncounterweighted car that is supported, raised, and lowered by means  
12 of a screw thread;

13 (q) "Rooftop elevator" means a power passenger or freight elevator  
14 that operates between a landing at roof level and one landing below and  
15 opens onto the exterior roof level of a building through a horizontal  
16 opening;

17 (r) "Special purpose personnel elevator" means an elevator that is  
18 limited in size, capacity, and speed, and permanently installed in  
19 structures such as grain elevators, radio antenna, bridge towers,  
20 underground facilities, dams, power plants, and similar structures to  
21 provide vertical transportation of authorized personnel and their tools  
22 and equipment only;

23 (s) "Workmen's construction elevator" means an elevator that is not  
24 part of the permanent structure of a building and is used to raise and  
25 lower workers and other persons connected with, or related to, the  
26 building project;

27 (t) "Boat launching elevator" means a conveyance that serves a boat  
28 launching structure and a beach or water surface and is used for the  
29 carrying or handling of boats in which people ride;

30 (u) "Limited-use/limited-application elevator" means a power  
31 passenger elevator where the use and application is limited by size,  
32 capacity, speed, and rise, intended principally to provide vertical  
33 transportation for people with physical disabilities((†)).

34 (5) "Escalator" means a power-driven, inclined, continuous stairway  
35 used for raising and lowering passengers((†)).

36 (6) "Dumbwaiter" means a hoisting and lowering mechanism equipped  
37 with a car (a) that moves in guides in a substantially vertical  
38 direction, (b) the floor area of which does not exceed nine square

1 feet, (c) the inside height of which does not exceed four feet, (d) the  
2 capacity of which does not exceed five hundred pounds, and (e) that is  
3 used exclusively for carrying materials((+)).

4 (7) "Automobile parking elevator" means an elevator: (a) Located  
5 in either a stationary or horizontally moving hoistway; (b) used  
6 exclusively for parking automobiles where, during the parking process,  
7 each automobile is moved either under its own power or by means of a  
8 power-driven transfer device onto and off the elevator directly into  
9 parking spaces or cubicles in line with the elevator; and (c) in which  
10 persons are not normally stationed on any level except the receiving  
11 level((+)).

12 (8) "Moving walk" means a passenger carrying device (a) on which  
13 passengers stand or walk and (b) on which the passenger carrying  
14 surface remains parallel to its direction of motion((+)).

15 (9) "Belt manlift" means a power driven endless belt provided with  
16 steps or platforms and a hand hold for the transportation of personnel  
17 from floor to floor((+)).

18 (10) "Department" means the department of labor and  
19 industries((+)).

20 (11) "Director" means the director of the department or his or her  
21 representative((+)).

22 (12) "Inspector" means an elevator inspector of the department or  
23 an elevator inspector of a municipality having in effect an elevator  
24 ordinance pursuant to RCW 70.87.200((+)).

25 (13) "Permit" means a permit issued by the department: (a) To  
26 perform conveyance work, other than maintenance; or (b) to operate a  
27 conveyance((+)).

28 (14) "Person" means this state, a political subdivision, any public  
29 or private corporation, any firm, or any other entity as well as an  
30 individual((+)).

31 (15) "One-man capacity manlift" means a single passenger, hand-  
32 powered counterweighted device, or electric-powered device, that  
33 travels vertically in guides and serves two or more landings((+)).

34 (16) "Private residence conveyance" means a conveyance installed in  
35 or on the premises of a single-family dwelling and operated for  
36 transporting persons or property from one elevation to another((+)).

37 (17) "Material hoist" means a hoist that is not a part of a  
38 permanent structure used to raise or lower materials during

1 construction, alteration, or demolition. It is not applicable to the  
2 temporary use of permanently installed personnel elevators as material  
3 hoists((†)).

4 (18) "Material lift" means a lift that (a) is permanently  
5 installed, (b) is comprised of a car or platform that moves in guides,  
6 (c) serves two or more floors or landings, (d) travels in a vertical or  
7 inclined position, (e) is an isolated, self-contained lift, (f) is not  
8 part of a conveying system, and (g) is installed in a commercial or  
9 industrial area not accessible to the general public or intended to be  
10 operated by the general public((†)).

11 (19) "Casket lift" means a lift that (a) is installed at a  
12 mortuary, (b) is designed exclusively for carrying of caskets, (c)  
13 moves in guides in a basically vertical direction, and (d) serves two  
14 or more floors or landings((†)).

15 (20) "Wheelchair lift" means a lift that travels in a vertical or  
16 inclined direction and is designed for use by (~~physically handicapped~~  
17 ~~persons~~) individuals with disabilities.

18 (21) "Stairway chair lift" means a lift that travels in a basically  
19 inclined direction and is designed for use by (~~physically handicapped~~  
20 ~~persons~~;) individuals with disabilities.

21 (22) "Personnel hoist" means a hoist that is not a part of a  
22 permanent structure, is installed inside or outside buildings during  
23 construction, alteration, or demolition, and used to raise or lower  
24 workers and other persons connected with, or related to, the building  
25 project. The hoist may also be used for transportation of  
26 materials((†)).

27 (23) "Advisory committee" means the elevator advisory committee as  
28 described in this chapter((†)).

29 (24) "Elevator helper/apprentice" means a person who works under  
30 the general direction of a licensed elevator mechanic. A license is  
31 not required to be an elevator helper/apprentice((†)).

32 (25) "Elevator contractor" means any person, firm, or company that  
33 possesses an elevator contractor license in accordance with this  
34 chapter and who is engaged in the business of performing conveyance  
35 work covered by this chapter((†)).

36 (26) "Elevator mechanic" means any person who possesses an elevator  
37 mechanic license in accordance with this chapter and who is engaged in  
38 performing conveyance work covered by this chapter((†)).

1 (27) "License" means a written license, duly issued by the  
2 department, authorizing a person, firm, or company to carry on the  
3 business of performing conveyance work or to perform conveyance work  
4 covered by this chapter((†)).

5 (28) "Elevator contractor license" means a license that is issued  
6 to an elevator contractor who has met the qualification requirements  
7 established in RCW 70.87.240((†)).

8 (29) "Elevator mechanic license" means a license that is issued to  
9 a person who has met the qualification requirements established in RCW  
10 70.87.240((†)).

11 (30) "Licensee" means the elevator mechanic or elevator  
12 contractor((†)).

13 (31) "Conveyance work" means the alteration, construction,  
14 dismantling, erection, installation, maintenance, relocation, and  
15 wiring of a conveyance((†)).

16 (32) "Alteration" means any change to equipment, including its  
17 parts, components, and/or subsystems, other than maintenance, repair,  
18 or replacement((†)).

19 (33) "Maintenance" means a process of routine examination,  
20 lubrication, cleaning, servicing, and adjustment of parts, components,  
21 and/or subsystems for the purpose of ensuring performance in accordance  
22 with this chapter. "Maintenance" includes repair and replacement, but  
23 not alteration((†)).

24 (34) "Repair" means the reconditioning or renewal of parts,  
25 components, and/or subsystems necessary to keep equipment in compliance  
26 with this chapter((†)).

27 (35) "Replacement" means the substitution of a device, component,  
28 and/or subsystem in its entirety with a unit that is basically the same  
29 as the original for the purpose of ensuring performance in accordance  
30 with this chapter((†)).

31 (36) "Public agency" means a county, incorporated city or town,  
32 municipal corporation, state agency, institution of higher education,  
33 political subdivision, or other public agency and includes any  
34 department, bureau, office, board, commission or institution of such  
35 public entities((†)).

36 (37) "Platform" means a rigid surface that is maintained in a  
37 horizontal position at all times when in use, and upon which passengers  
38 stand or a load is carried.

1       (38) "Single-occupancy farm conveyance" means a hand-powered  
2 counterweighted single-occupancy conveyance that travels vertically in  
3 a grain elevator and is located on a farm that does not accept  
4 commercial grain.

5       **Sec. 2.** RCW 70.87.200 and 2003 c 143 s 20 are each amended to read  
6 as follows:

7       (1) The provisions of this chapter do not apply where:

8       (a) A conveyance is permanently removed from service or made  
9 effectively inoperative; ~~((or))~~

10       (b) Lifts, man hoists, or material hoists are erected temporarily  
11 for use during construction work only and are of such a design that  
12 they must be operated by a ~~((workman))~~ worker stationed at the hoisting  
13 machine; or

14       (c) A single-occupancy farm conveyance is used exclusively by a  
15 farm operator and the farm operator's family members.

16       (2) Except as limited by RCW 70.87.050, municipalities having in  
17 effect an elevator code prior to June 13, 1963, may continue to assume  
18 jurisdiction over conveyance work and may inspect, issue permits,  
19 collect fees, and prescribe minimum requirements for conveyance work  
20 and operation if the requirements are equal to the requirements of this  
21 chapter and to all rules pertaining to conveyances adopted and  
22 administered by the department. Upon the failure of a municipality  
23 having jurisdiction over conveyances to carry out the provisions of  
24 this chapter with regard to a conveyance, the department may assume  
25 jurisdiction over the conveyance. If a municipality elects not to  
26 maintain jurisdiction over certain conveyances located therein, it may  
27 enter into a written agreement with the department transferring  
28 exclusive jurisdiction of the conveyances to the department. The city  
29 may not reassume jurisdiction after it enters into such an agreement  
30 with the department.

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